

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SYSCAN, INC, No C-03-2367 VRW
Plaintiff, ORDER
v
PORTABLE PERIPHERAL CO, LTD, et
al,
Defendants.

On October 14, 2005, the court held a claim construction hearing pursuant to Markman v Westview Instruments, Inc, 517 US 370 (1996). At that time, plaintiff for the first time expressed disagreement with the constructions of two claim terms upon which the parties had previously agreed (the "previously undisputed claim terms"): (1) "An interface module coupling * * * to a computing device and receiving * * * from the computing device" (in the '309 patent) and (2) "main case" (in the '506 patent). The court granted plaintiff leave to file a motion for reconsideration of the claim construction order (ultimately filed on March 27, 2006, Doc #57) as a vehicle for seeking construction of the previously

1 undisputed claim terms — and only those terms — in the event
2 plaintiff continued to feel such construction was necessary in
3 light of the claim construction order. 10/14/05 Tr at 5-6; see
4 also Doc #55. Plaintiff filed a motion for reconsideration on
5 April 6, 2006. Doc #58.

6 In addition to the previously undisputed claim terms,
7 plaintiff seeks reconsideration of terms that were the subject of
8 earlier claim construction briefing and have already been construed
9 by the court. See Doc #58-2 at 3-10. The court did not grant
10 leave to file a motion for reconsideration of disputed terms that
11 were the subject of the claim construction order. In order to file
12 a motion for reconsideration of the court's claim constructions,
13 plaintiff must first obtain leave of court. See Civ L R 7-9(a).
14 The portion of plaintiff's motion for reconsideration dealing with
15 terms already construed by the court is therefore STRICKEN. If
16 plaintiff chooses to file a motion for leave to file a motion for
17 reconsideration of terms already construed by the court, plaintiff
18 would be well advised to review Civ L R 7-9 in its entirety.

19 Defendants' opposition to plaintiff's motion for
20 reconsideration of the previously undisputed claim terms shall be
21 filed on or before May 12, 2006. Defendants' opposition need deal
22 only with the two terms as to which reconsideration has been
23 allowed. Plaintiff's reply, if any, shall be filed on or before
24 May 19, 2006.

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1 The parties will be notified by the clerk in the event
2 that the hearing noticed for June 29, 2006, is rescheduled or
3 vacated.

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5 SO ORDERED.

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8 VAUGHN R WALKER

9 United States District Chief Judge
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